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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,697	03/07/2001	Prudence A. McIntosh	705445US1RAF	4028

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DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION  
CIMS 483-02-19  
800 CHRYSLER DR EAST  
AUBURN HILLS, MI 48326-2757

EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/800,697

Applicant(s)

MCINTOSH ET AL.

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to the Amendment filed on 09/15/05. Claims 11-14 have been amended. Claims 1-20 are pending.

2. Applicant's amendment filed 09/15/05 regarding the 35 U.S.C. 101 rejection has been persuasive and therefore is hereby withdrawn.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al (5,950,169), Apte et al (5,970,464) in view of Aquila et al (2002/0035488).

(A) As per claim 11, Borghesi and Apte disclose the newly added limitations of "with a computer system", "in the computer networked system", "with the computer networked system", "and" and "by the computer networked system" (See Borghesi, Col.5, lines 51-67).

Borghesi and Apte do not explicitly disclose that the computer-implemented having a warranty knowledge base.

However, these features are known in the art, as evidenced by Aquila. In particular, Aquila suggests that the method having a warranty knowledge base construction system (See Aquila, Page 16, Paragraphs 0283-0291).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features Aquila within the collective teachings of Borghesi and Apte with the motivation of providing the reporting sub-system summarizes and formats data stored in claim file or the insurance carrier system based on a number of criteria to generate various reports (See Aquila, Page 2, Paragraph 0026).

(B) As per claim 12, Borghesi and Apte disclose the newly added limitations of "with a computer networked system" (See Borghesi, Col. 5, lines 51-67).

Borghesi and Apte do not explicitly disclose that the method "including evaluating a repair claim with the computer networked system using", "stored in a knowledge base of the computer networked system", "and", "repair-claim".

However, these features are known in the art, as evidenced by Aquila. In particular, Aquila suggests that the method "including evaluating a repair claim with the computer networked system using", "stored in a knowledge base of the computer networked system", "and", "repair-claim" (See Aquila, Page 7, Paragraphs 0125-0131).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features Aquila within the collective teachings of Borghesi and Apte with the motivation of providing the reporting sub-system summarizes and

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formats data stored eclaim file or the insurance carrier system based on a number of criteria to generate various reports (See Aquila, Page 2, Paragraph 0026).

(C) As per claims 13 and 14, Aquila disclose the newly added limitations of "including incorporating with the computer networked system the first rule", "and" (See Aquila, Page 7, Paragraphs 0125- 0131).

The motivation for combining the respective teachings of Borghesi, Apte and Aquila are as discussed above in the rejection of claims 11 and 12, and incorporated herein.

(D) Claims 1-10, and 15-20 have not been amended and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

### ***Response to Arguments***

5. Applicant's arguments filed on 09/15/05 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method and apparatus for measuring and accumulating critical automobile warranty statistical data (6,366,199) and knowledge engineering tool (4,658,370).

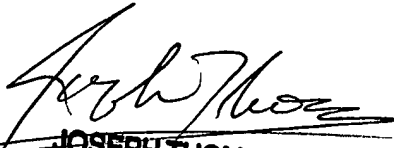
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

November 23, 2005

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER